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THE EUROPEAN PARLIAMENT

THE COUNCIL

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Subject: DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decisions No 895/2006/EC and No 582/2008/EC

DECISION No .../2014/EU
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

**introducing a simplified regime for the control
of persons at the external borders based on the unilateral recognition
by Bulgaria, Croatia, Cyprus and Romania
of certain documents as equivalent to their national visas
for transit through or intended stays on their territories
not exceeding 90 days in any 180-day period
and repealing Decisions No 895/2006/EC and No 582/2008/EC**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 77(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

¹ Position of the European Parliament of 27 February 2014 (not yet published in the Official Journal) and decision of the Council of

Whereas:

- (1) Pursuant to Article 4(1) of the 2011 Act of Accession, Croatia, which acceded to the Union on 1 July 2013, is required from that date to subject nationals of the third countries listed in Annex I to Council Regulation (EC) No 539/2001¹ to a visa requirement.
- (2) Pursuant to Article 4(2) of the 2011 Act of Accession, the provisions of the Schengen *acquis* on the conditions and criteria for issuing uniform visas, as well as the provisions on mutual recognition of visas and on the equivalence between residence permits/long stay visas and short stay visas, only apply to Croatia after adoption of a Council decision to that effect. However, they are binding on Croatia from the date of accession.
- (3) Croatia is therefore required to issue national visas for entry into or transit through its territory to third-country nationals holding a uniform visa or long-stay visa or residence permit issued by a Member State fully implementing the Schengen *acquis* or a similar document issued by Bulgaria, Cyprus and Romania, which do not yet fully implement it.
- (4) The holders of documents issued by Member States fully implementing the Schengen *acquis* and documents issued by Bulgaria, Cyprus and Romania do not represent any risk for Croatia as they have been subject to all necessary controls by those Member States. In order to avoid imposing unjustified additional administrative burdens on Croatia, common rules should be adopted authorising Croatia unilaterally to recognise certain documents issued by those Member States as equivalent to its national visas and to establish a simplified regime for the control of persons at its external borders based on that unilateral equivalence.

¹ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1).

- (5) The common rules introduced by Decision No 895/2006/EC of the European Parliament and of the Council¹ and by Decision No 582/2008/EC of the European Parliament and of the Council² should be repealed. With regard to Cyprus, which has implemented the common regime established by Decision No 895/2006/EC since 10 July 2006, and to Bulgaria and Romania, which have implemented the common regime established by Decision No 582/2008/EC since 18 July 2008, common rules should be adopted authorising Bulgaria, Cyprus and Romania, like Croatia, unilaterally to recognise certain documents issued by Member States fully implementing the Schengen *acquis* as well as similar documents issued by Croatia, as equivalent to its national visas and to establish a simplified regime for the control of persons at their external borders based on that unilateral equivalence. This Decision is without prejudice to Bulgaria and Romania's objective of becoming Schengen Member States without delay.

¹ Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 167, 20.6.2006, p. 1).

² Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 161, 20.6.2008, p. 30).

- (6) The simplified regime laid down in this Decision should apply for a transitional period, until the date to be determined in a Council decision as referred to in the first subparagraph of Article 3(2) of the 2003 Act of Accession in respect of Cyprus, in the first subparagraph of Article 4(2) of the 2005 Act of Accession in respect of Bulgaria and Romania and in the first subparagraph of Article 4(2) of the 2011 Act of Accession in respect of Croatia, subject to possible transitional provisions in respect of documents issued before that date.
- (7) Participation in the simplified regime should be optional, without imposing on the Member States obligations additional to those laid down by the 2003 Act of Accession, the 2005 Act of Accession or the 2011 Act of Accession.
- (8) The common rules should apply to short-term uniform visas, long-stay visas and residence permits issued by Member States fully implementing the Schengen *acquis*, to visas with limited territorial validity issued to an applicant who holds a travel document that is not recognised by one or more, but not all, Member States, in accordance with Regulation (EC) No 810/2009 of the European Parliament and of the Council¹ (the "Visa Code") and by the countries associated with the implementation, application and development of the Schengen *acquis* as well as to short-term visas, long-term visas and residence permits issued by Bulgaria, Croatia, Cyprus and Romania. The recognition of a document should be limited to the period of its validity.

¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

- (9) The entry conditions for third-country nationals whose intended stays on the territory of the Member States have a duration of no more than 90 days in any 180-day period, as laid down in Regulation (EC) No 562/2006 of the European Parliament and of the Council¹, must be fulfilled, with the exception of the requirement to be in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001, insofar as this Decision sets up a regime of unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents issued by Member States fully implementing the Schengen *acquis* and similar documents issued by Bulgaria, Croatia, Cyprus and Romania for transit through or intended stays on their territories not exceeding 90 days in any 180-day period.
- (10) Since the objective of this Decision, namely the introduction of a regime of unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents issued by other Member States, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

¹ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

- (11) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis*¹, which fall within the area referred to in Article 1, point (B), of Council Decision 1999/437/EC².
- (12) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*³, which fall within the area referred to in Article 1, point (B), of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁴.

¹ OJ L 176, 10.7.1999, p. 36.

² Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

³ OJ L 53, 27.2.2008, p. 52.

⁴ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

- (13) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*¹, which fall within the area referred to in Article 1, point (B), of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU².
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

¹ OJ L 160, 18.6.2011, p. 21.

² Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (15) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC¹; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (16) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application,

HAVE ADOPTED THIS DECISION:

¹ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 1

This Decision introduces a simplified regime for the control of persons at the external borders whereby Bulgaria, Croatia, Cyprus and Romania may recognise unilaterally as equivalent to their national visas for transit through or intended stays on their territory not exceeding 90 days in any 180-day period the documents referred to in Article 2(1) and Article 3 of this Decision issued to third-country nationals subject to a visa obligation pursuant to Regulation (EC) No 539/2001.

The implementation of this Decision shall not affect the checks to be carried out on persons at the external borders in accordance with Articles 5 to 13 and 18 and 19 of Regulation (EC) No 562/2006.

Article 2

1. Bulgaria, Croatia, Cyprus and Romania may consider as equivalent to their national visas, for transit through or intended stays on their territory not exceeding 90 days in any 180-day period, the following documents issued by the Member States fully implementing the Schengen *acquis*, irrespective of the nationality of the holders:
 - (a) a 'uniform visa' as defined in point (3) of Article 2 of the Visa Code, valid for two or multiple entries;
 - (b) a 'long-stay visa' as referred to in Article 18 of the Convention implementing the Schengen Agreement¹;

¹ OJ L 239, 22.9.2000, p. 19.

(c) a 'residence permit' as defined in point (15) of Article 2 of Regulation (EC) No 562/2006.

2. Bulgaria, Croatia, Cyprus and Romania may also consider as equivalent to their national visas, for transit through or intended stays on their territory not exceeding 90 days in any 180-day period visas with limited territorial validity issued in accordance with the first sentence of Article 25(3) of the Visa Code.
3. If Bulgaria, Croatia, Cyprus or Romania decide to apply this Decision, they shall recognise all the documents referred to in paragraphs 1 and 2, regardless of which Member State issued the document, unless they are affixed to travel documents that they do not recognise or to travel documents issued by a third country with which they do not have diplomatic relations.

Article 3

1. If Bulgaria, Croatia, Cyprus or Romania decide to apply Article 2, they may, in addition to the documents referred to in that Article, recognise as equivalent to their national visas for transit through or intended stays on their territory not exceeding 90 days in any 180-day period:
 - (a) national short-stay visas and national long-stay visas issued by Bulgaria, Croatia, Cyprus, or Romania in the uniform format laid down by Council Regulation (EC) No 1683/95¹;

¹ Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

(b) residence permits issued by Bulgaria, Croatia, Cyprus or Romania in accordance with the uniform format laid down by Council Regulation (EC) No 1030/2002¹,

unless such visas and residence permits are affixed to travel documents that those Member States do not recognise or to travel documents issued by a third country with which they do not have diplomatic relations.

2. Documents issued by Bulgaria which may be recognised are listed in Annex I.

Documents issued by Croatia which may be recognised are listed in Annex II.

Documents issued by Cyprus which may be recognised are listed in Annex III.

Documents issued by Romania which may be recognised are listed in Annex IV.

Article 4

The period of validity of the documents referred to in Articles 2 and 3 shall cover the duration of the transit or stay.

¹ Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 15.6.2002, p. 1).

Article 5

Bulgaria, Croatia, Cyprus and Romania shall notify the Commission within 20 working days of the entry into force of this Decision, if they decide to apply this Decision. The Commission shall publish the information communicated by those Member States in the *Official Journal of the European Union*.

Those notifications shall, where relevant, specify the third countries with regard to which Bulgaria, Croatia, Cyprus and Romania do not, in the absence of diplomatic relations, apply this Decision pursuant to Article 2(3) and Article 3(1).

Article 6

Decisions No 895/2006/EC and No 582/2008/EC are repealed.

Article 7

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply until the date determined by a Council decision adopted pursuant to the first subparagraph of Article 3(2) of the 2003 Act of Accession in respect of Cyprus, to the first subparagraph of Article 4(2) of the 2005 Act of Accession in respect of Bulgaria and Romania and to the first subparagraph of Article 4(2) of the 2011 Act of Accession in respect of Croatia, on which all the provisions of the Schengen *acquis* in the field of the common visa policy and the movement of third-country nationals legally residing within the territory of the Member States shall apply to the Member State concerned.

Article 8

This Decision is addressed to Bulgaria, Croatia, Cyprus and Romania.

Done at ...,

For the European Parliament
The President

For the Council
The President

ANNEX I

List of documents issued by Bulgaria

Visas

Bulgaria issues the following types of visas in compliance with the Foreigners in the Republic of Bulgaria Act

- Виза за летищен транзит (виза вид А) – Airport transit visa (type A)
- Виза за краткосрочно пребиваване (виза вид С) – Short – stay visa (type C)
- Виза за дългосрочно пребиваване (виза вид D) – Long – term residence visa (type D)

Residence permits

Bulgaria issues the following residence permits mentioned in point 15 of Article 2 of Regulation (EC) No 562/2006:

1. Разрешение за пребиваване на продължително пребиваващ в Република България чужденец - Prolonged residence.
2. Разрешение за пребиваване на дългосрочно пребиваващ в ЕС чужденец - Long-term resident – EC.
3. Разрешение за пребиваване на постоянно пребиваващ в Република България чужденец - Residence permit.

4. Разрешение за пребиваване на продължително пребиваващ член на семейството на гражданин на ЕС, който не е упражнил правото си на свободно придвижване, с отбелязване "член на семейство" - Prolonged Residence – Family member under Directive 2004/38/EC of the European Parliament and of the Council¹.
5. Разрешение за пребиваване на постоянно пребиваващ член на семейството на гражданин на ЕС, който не е упражнил правото си на свободно придвижване, с отбелязване "член на семейство" - Residence permit – Family member under Directive 2004/38/EC.
6. Разрешение за пребиваване на продължително пребиваващ с отбелязване "бенефициер съгласно член 3, параграф 2 от Директива 2004/38/ЕО" - Prolonged Residence– beneficiary under Article 3(2) of Directive 2004/38/EC.
7. Разрешение за пребиваване на постоянно пребиваващ с отбелязване "бенефициер съгласно член 3, параграф 2 от Директива 2004/38/ЕО" - Residence permit – beneficiary under Article 3(2) of Directive 2004/38/EC.
8. Разрешение за пребиваване тип "синя карта на ЕС" - Residence permit – EU Blue Card.
9. Единно разрешение за пребиваване и работа - Single permit.
10. Временно разрешение за пребиваване на притежател на синя карта на ЕС, издадена от друга държава - членка на ЕС - Temporary residence permit.

¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

11. Разрешение за продължително пребиваване на член на семейството на бежанец или на чужденец с предоставено убежище - Prolonged Residence – Family member of refugee or foreigner with granted asylum.
 12. Разрешение за продължително пребиваване на член на семейството на чужденец с хуманитарен статут - Prolonged Residence – Family member of subsidiary protection beneficiary.
 13. Разрешение за продължително пребиваване на член на семейството на чужденец с предоставена временна закрила - Prolonged Residence – Family member of temporary protection beneficiary.
 14. Разрешение за продължително пребиваване на чужденец с отбелязване "научен работник" - Prolonged residence – Researcher.
 15. Удостоверение за завръщане в Република България на чужденец - Temporary passport of a foreigner for return to Republic of Bulgaria.
 16. "Карта за пребиваване на член на семейството на гражданин на Съюза" на продължително пребиваващ член на семейство на гражданин на ЕС – Residence card of a family member of a Union citizen – long term residence.
 17. "Карта за пребиваване на член на семейството на гражданин на Съюза" на постоянно пребиваващ член на семейство на гражданин на ЕС - Residence card of a family member of a Union citizen – residence permit.
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ANNEX II

List of documents issued by Croatia

Visas

- Kratkotrajna viza (C) - Short-stay visa (C)

Residence permits

- Odobrenje boravka – Approval of stay
 - Osobna iskaznica za stranca – Identity card for foreign nationals
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ANNEX III

List of documents issued by Cyprus

Θεωρήσεις (Visas)

- Θεώρηση διέλευσης — Κατηγορία Β (transit visa — type B)
- Θεώρηση για παραμονή βραχείας διάρκειας — Κατηγορία Γ (short-stay visa — type C)
- Ομαδική θεώρηση — Κατηγορίες Β και Γ (group visa — type B and C)

Άδειες παραμονής (Residence permits)

- Προσωρινή άδεια παραμονής (απασχόληση, επισκέπτης, φοιτητής) - Temporary residence permit (employment, visitor, student)
 - Άδεια εισόδου (απασχόληση, φοιτητής) - Entry permit (employment, student)
 - Άδεια μετανάστευσης (μόνιμη άδεια) - Immigration permit (permanent permit)
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ANNEX IV

List of documents issued by Romania

Visas

- viză de tranzit, identificată prin simbolul B (transit visa, marked B);
- viză de scurtă ședere, identificată prin simbolul C (short stay visa, marked C);
- viză de lungă ședere, identificată prin unul dintre următoarele simboluri, în funcție de activitatea pe care urmează să o desfășoare în România străinul căruia i-a fost acordată (long-stay visa, identified by one of the following symbols, according to the activity that the holder of the visa will carry out in Romania):
 - (i) desfășurarea de activități economice, identificată prin simbolul D/AE (economic activities, marked D/AE);
 - (ii) desfășurarea de activități profesionale, identificată prin simbolul D/AP (professional activities, marked D/AP);
 - (iii) desfășurarea de activități comerciale, identificată prin simbolul D/AC (commercial activities, marked D/AC);
 - (iv) angajare în munca, identificată prin simbolul D/AM (employment, marked D/AM);
 - (v) detașare, identificată prin simbolul D/DT (secondment, marked D/DT);

- (vi) studii, identificată prin simbolul D/SD (studies, marked D/SD);
- (vii) reîntregirea familiei, identificată prin simbolul D/VF (family reunification, marked D/VF);
- (viii) activități religioase, identificată prin simbolul D/AR (religious activities, marked D/AR);
- (ix) activități de cercetare științifică, identificată prin simbolul D/CS (research activities, marked D/CS);
- (x) viză diplomatică și viză de serviciu, identificată prin simbolul DS (diplomatic and service visa, marked DS);
- (xi) alte scopuri, identificată prin simbolul D/AS (other purposes, marked D/AS).

Residence permits

- permis de ședere (residence permit);
 - carte albastra a UE (EU Blue Card);
 - carte de rezidență pentru membrul de familie al unui cetățean al Uniunii (residence card for family member of Union citizen);
 - carte de rezidență pentru membrul de familie al unui cetățean al Confederației Elvețiene (residence card for family member of citizen of the Swiss Confederation);
 - carte de rezidență permanentă pentru membrul de familie al unui cetățean al Uniunii(permanent residence card for family member of Union citizen);
 - carte de rezidență permanentă pentru membrul de familie al unui cetățean al Confederației Elvețiene (permanent residence card for family member of citizen of the Swiss Confederation).
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